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Emily B Caudill REGULATIONS COMPILER

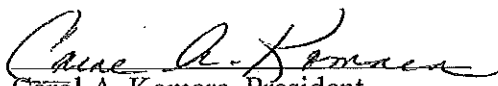
STATEMENT OF EMERGENCY
201 KAR 20:059E

(1) This administrative regulation deals with the length of time for which a prescription can be written by Advanced Practice Registered Nurses (APRN) for certain specified controlled substances. The amendment increases the length of time for the prescription from 14 days to 30 days. This means that APRNs will need to write fewer prescriptions for these controlled substances. This has a direct and immediate impact on Medicaid and will act to decrease some health care costs. For that reason, this amendment is being offered as an emergency.

(2) An ordinary administrative regulation could not go into effect in less than three months. Because this amendment may save the Commonwealth money in the Medicaid budget, an emergency is appropriate. Lengthening the period of time for the prescriptions from 14 to 30 days will eliminate additional co-pays for an office visit and for the medication. Patients also will not incur additional travel costs. Access to care by APRNs will increase since the APRN will not need to see the patient every two weeks, freeing up some time to see other patients. The amendment will also positively impact the state's Medicaid budget by decreasing costs incurred by the state for additional visits and pharmacy dispensing fees.

(3) This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on January 13, 2010. The ordinary and emergency administrative regulations are identical.


Steven L. Beshear, Governor


Carol A. Komara, President
Kentucky Board of Nursing

1 **GENERAL GOVERNMENT CABINET**

2 **BOARD OF NURSING**

3 **(EMERGENCY AMENDMENT)**

4 **201 KAR 20:059E. Advanced practice registered nurse controlled substances**
5 **prescriptions.**

6 RELATES TO: KRS 314.011(8)(c)

7 STATUTORY AUTHORITY: KRS 314.131(1).

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.011(8)(c) authorizes
9 the Controlled Substances Formulary Development Committee to make recommendations to
10 the Board of Nursing concerning any limitations for specific controlled substances. This
11 administrative regulation implements that provision.

12 Section 1. Specific Controlled Substances. The following controlled substances have
13 been identified as having the greatest potential for abuse or diversion:

- 14 (1) Diazepam (Valium), a Schedule IV medication;
15 (2) Clonazepam (Klonopin), a Schedule IV medication;
16 (3) Lorazepam (Ativan), a Schedule IV medication;
17 (4) Alprazolam (Xanax), a Schedule IV medication;
18 (5) Carisoprodol (Soma), a Schedule IV medication;
19 (6) Combination Hydrocodone products in liquid or solid dosage form, Schedule III
20 medications.

21 Section 2. Limitations. [(4)] Prescriptions for the medications listed in Section

1 1~~[(1), (2), (3), and (4)]~~ of this administrative regulation shall be limited to a ~~[fourteen (14)~~
2 ~~day supply without any refills.~~

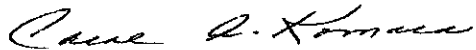
3 (2) ~~Prescriptions for the medication listed in Section 1(5) of this administrative~~
4 ~~regulation shall be limited to a]~~ thirty (30) day supply without any refills.

5 ~~[(3) Prescriptions for the medications listed in Section 1(6) of this administrative~~
6 ~~regulation shall be limited to a fourteen (14) day supply without any refills.]~~

Amended Administrative Regulation

201 KAR 20:059E. Advanced practice registered nurse controlled substances prescriptions.

Adopted: December 9, 2010.



Carol Komara, President
Kentucky Board of Nursing

December 9, 2010

Date

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation No. 201 KAR 20: 059E. Advanced practice registered nurse controlled substances prescriptions.

Agency Contact Person: Nathan Goldman, General Counsel

(1) Provide a brief summary of:

(a) What this administrative regulation does: Pursuant to KRS 314.011(8)(c), this administrative regulation sets limitations on APRN prescriptive authority for specific controlled substances that have been determined to have the greatest potential for abuse or diversion.

(b) The necessity of this administrative regulation: The Board is required by statute to promulgate this regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: By setting limitations on APRN prescriptive authority.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By setting limitations on APRN prescriptive authority.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: It changes the length of time for which prescriptions may be written for the identified drugs. The Controlled Substances Formulary Development Committee recommended to the Board of Nursing that the limitations be changed from a prescription limited to 14 days to a prescription limited to 30 days.

(b) The necessity of the amendment to this administrative regulation: There has been no evidence that APRNs are abusing their prescriptive authority as regards the identified drugs. The 14 day limitation causes a hardship on patients who would be required to make another visit to the APRN for another prescription.

(c) How the amendment conforms to the content of the authorizing statutes: The statute states that the Committee shall make recommendations to the Board.

(d) How the amendment will assist in the effective administration of the statutes: It will benefit patients by allowing an APRN to write a prescription for these drugs for 30 days..

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All APRNs, approximately 4000.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

No action necessary by the APRNs.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost to comply.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will be able to assist their patients.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no cost.

(b) On a continuing basis: There is no cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is needed..

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: It does not.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not applied as the changes apply to all equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 201 KAR 20:059E

Contact Person: Nathan Goldman

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes x No

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Nursing.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314.131.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? There are no additional costs.

(d) How much will it cost to administer this program for subsequent years? There are no additional costs.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: